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December 1991  
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**MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA  
December 16, 1991**

Meeting convenes at 10:00 a.m., Monday, December 16, in the fourth floor conference room.

Public Participation

10:30 a.m.

Break

3:00 p.m.

1. Approve Agenda.
2. Approve Minutes of November 18, 1991.
3. Director's Report. (Wilson) Information.
4. Financial Status Report. (Kuhn) Information.
5. Section 319 Contract Agreements. (Kuhn) Decision.
6. Proposed Rule--Chapters 100 and 102, Permits: Special Waste Authorizations. (Stokes) Information.
7. Proposed Rule--Chapter 148, Registry of Hazardous Waste or Hazardous Substance Disposal Sites. (Stokes) Information.
8. 1991 Annual Report: Registry of Hazardous Waste or Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund. (Stokes) Information.
9. Private Well Sampling and Well Abandonment Grants to Counties-FY 93. (Stokes) Decision.
10. Monthly Reports. (Stokes) Information.
11. Referrals to the Attorney General. (Combs) Decision.
  - (a) Amoco Pipeline Company (Dubuque)
  - (b) Virgil Littschwager (Buckeye)
  - (c) Landfill of Des Moines, Inc.
  - (d) Al's Corner Oil Company (Carroll)
  - (e) Buffalo Bill Estates (Camanche)
  - (f) Merle Adams (Hardin County)
  - (g) Carl Burkhart (Perry)
  - (h) Lloyd Dunton (Iowa County)
12. General Discussion.
13. Address Items for Next Meeting.

**NEXT MEETING DATES**

January 21, 1992 (Tuesday)  
February 17, 1992  
March 16, 1992

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, December 16, 1991

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

JACK SOENER	ABI	DES MOINES
Amy Christensen Couch	Washers Sullivan & Ward	Dr
DANNY VEST	GROWMARK	Bloomington, IL.
CB Pero	IRWA	DES MOINES IA
Mike Widdings	IRWA	Des Moines
Jane B. McAllister	Ahlens Law Firm	Des Moines
Rick Kelley	UHL	Des Moines
Bob Rasmussen	Radio Iowa	Des Moines

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Minutes of the Environmental Protection Commission Meeting

December 16, 1991

Wallace State Office Building, Des Moines, Iowa

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DECEMBER 1991 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on December 16, 1991.

MEMBERS PRESENT

Verlon Britt, William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Gary Priebe, Nancy Lee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

Margaret Prah

ADOPTION OF AGENDA

Nancy Lee Siebenmann asked if the tabled item for Chapter 102 was ever handled.

Director Wilson stated that it is on the agenda for today's meeting.

*Motion was made by Charlotte Mohr to approve the agenda as presented. Seconded by Rozanne King. Motion carried unanimously.*

ADOPTION OF MINUTES

Charlotte Mohr noted that the cover sheet to the minutes should have the 18th included in the date. *Motion was made by Charlotte Mohr to approve the minutes of November 18, 1991, as amended. Seconded by Rozanne King. Motion carried unanimously.*

Chairperson Hartsuck stated that Commissioner Prah will not be at the meeting due to the death of a close friend.

DIRECTOR'S REPORT

Larry Wilson, Director, informed the Commission that in the future their room reservations at the Marriott will be scheduled on an "as-needed" basis rather than a year in advance.

Director Wilson reported that he was advised by Mike Murphy that the consent decree for Aidex has been signed by all parties except the judge. He added that the public has 30 days to comment and if no significant comments are received the judge will sign the decree for a settlement of 11.1 million dollars. Iowa will receive \$737,000 in addition to \$150,000 to cover costs for continued monitoring of the site. The money will go into the Hazardous Waste Remedial Fund.

MONTHLY FINANCIAL STATUS REVIEW

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached for your information is the Year-To-Date expenditure status report for each division as of the end of November.

Because of spending and hiring restrictions, the DNR is significantly under budget in most expenditure categories. The major exception is Parks salaries. This shows as "over" at this point because much of the seasonal staffing expenditure occurs in July, August and September. Vehicle depreciation charges are over in several divisions because rates have been increased by the Vehicle Dispatcher.

Information will be provided at the meeting regarding the specific deappropriations and reversions of State funds at the end of FY91.

The staff will attempt to answer any questions commissioners may have regarding this report or related financial matters at the meeting.

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(Reports are shown on the following 3 pages)

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 11/30/91

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	TOTAL EXPENDITURES 11/01/91 - 11/30/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	11,578.13	68,445.61	69,804.00	1,358.39-	167,531.00
202 PERSONAL TRAVEL	1,981.13	8,933.15	16,666.00	7,732.85-	40,000.00
301 OFFICE SUPPLIES	46.20	347.38	833.00	485.62-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	82.50	263.83	312.00	48.17-	750.00
309 PRINTING & BINDING	1,137.45	4,339.30	5,833.00	1,493.70-	14,000.00
401 COMMUNICATIONS	552.01	1,826.87	1,250.00	576.87	3,000.00
406 OUTSIDE SERVICES	0.00	1,680.22	833.00	847.22	2,000.00
410 DATA PROCESSING	183.86	509.13	2,000.00	1,490.87-	4,800.00
501 EQUIPMENT	0.00	369.22	1,614.00	1,244.78-	3,874.00
DIVISION TOTAL	15,561.28	86,714.71	99,145.00	12,430.29-	237,955.00

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	TOTAL EXPENDITURES 11/01/91 - 11/30/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	82,661.14	521,164.17	534,624.00	13,459.83-	1,283,115.00
202 PERSONAL TRAVEL	1,584.11	7,157.27	12,806.00	5,648.73-	30,750.00
203 STATE VEHICLE OPERATION	281.48	2,796.66	3,633.00	836.34-	8,721.00
204 STATE VEHICLE DEPRECIATIO	655.00	3,775.00	5,191.00	1,416.00-	12,460.00
301 OFFICE SUPPLIES	5,916.46	52,561.67	42,643.00	9,918.67	102,350.00
302 FACILITY MAINTENANCE SUPP	501.04	2,149.58	1,666.00	483.58	4,000.00
303 EQUIPMENT MAINTENANCE SUP	583.41	808.15	1,250.00	441.85-	3,000.00
308 OTHER SUPPLIES	4,018.33	20,929.44	26,208.00	5,278.56-	62,905.00
309 PRINTING & BINDING	41,675.82	115,027.68	149,829.00	34,801.32-	359,593.00
312 UNIFORMS & RELATED ITEMS	0.00	3.33	250.00	246.67-	600.00
401 COMMUNICATIONS	2,582.01	11,197.28	11,500.00	302.72-	27,600.00
402 RENTALS	0.00	323.46	208.00	115.46	500.00
403 UTILITIES	9.68	64.13	312.00	247.87-	750.00
405 PROF & SCIENTIFIC SERVICE	0.00	50.00	2,916.00	2,866.00-	7,000.00
406 OUTSIDE SERVICES	6,381.18	13,213.27	24,582.00	11,368.73-	59,000.00
410 DATA PROCESSING	1,121.71	3,147.96	5,603.00	2,455.04-	13,450.00
414 REIMBURSEMENTS TO OTHER A	637.80	637.80	0.00	637.80	0.00
501 EQUIPMENT	0.00	120.43	1,250.00	1,129.57-	3,000.00
DIVISION TOTAL	148,609.17	755,127.28	824,471.00	69,343.72-	1,978,794.00

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	TOTAL EXPENDITURES 11/01/91 - 11/30/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	242,023.57	1,551,808.56	1,646,440.00	94,631.44-	3,951,473.00
202 PERSONAL TRAVEL	6,706.88	23,450.28	23,871.00	420.72-	57,300.00
203 STATE VEHICLE OPERATION	4,680.31	23,837.08	25,208.00	1,370.92-	60,500.00
204 STATE VEHICLE DEPRECIATIO	5,805.00	28,950.00	30,916.00	1,966.00-	74,200.00
301 OFFICE SUPPLIES	51,927.14	100,360.40	141,080.00	40,719.60-	338,600.00
302 FACILITY MAINTENANCE SUPP	123.95	123.95	416.00	292.05-	1,000.00
303 EQUIPMENT MAINTENANCE SUP	1,269.96	11,673.39	21,665.00	9,991.61-	52,000.00
308 OTHER SUPPLIES	484.47	4,963.78	4,873.00	90.78	11,700.00
309 PRINTING & BINDING	235.65	3,551.40	8,456.00	4,904.60-	20,300.00
312 UNIFORMS & RELATED ITEMS	0.00	68.54	1,333.00	1,264.46-	3,200.00
401 COMMUNICATIONS	5,327.19	38,789.88	33,249.00	5,540.88	79,800.00
406 OUTSIDE SERVICES	7,109.42	9,216.54	20,788.00	11,571.46-	49,900.00
410 DATA PROCESSING	2,051.60	58,496.56	44,373.00	14,123.56	106,500.00
412 AUDITOR OF STATE REIMBURS	0.00	35,636.00	35,416.00	220.00	85,000.00
414 REIMBURSEMENTS TO OTHER A	1,419.00	5,670.69	17,706.00	12,035.31-	42,500.00
501 EQUIPMENT	1,598.25	7,886.21	54,166.00	46,279.79-	130,000.00
701 LICENSES	100.00	100.00	20.00	80.00	50.00
DIVISION TOTAL	330,862.39	1,904,583.26	2,109,976.00	205,392.74-	5,064,023.00



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4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	297,713.07	2,473,252.71	2,322,215.00	151,037.71	5,573,330.00
202 PERSONAL TRAVEL	10,428.77	31,351.57	36,855.00	5,503.43-	88,464.00
203 STATE VEHICLE OPERATION	14,407.14	83,225.95	80,205.00	3,020.95	192,500.00
204 STATE VEHICLE DEPRECIATIO	24,345.00	118,895.00	96,956.00	21,939.00	232,697.00
301 OFFICE SUPPLIES	2,166.45	14,233.77	19,559.00	5,325.23-	46,950.00
302 FACILITY MAINTENANCE SUPP	22,961.32	177,299.88	175,582.00	1,717.88	421,404.00
303 EQUIPMENT MAINTENANCE SUP	18,292.30	116,979.36	120,519.00	3,539.64-	289,250.00
307 AG., CONSERVATION & HORT S	122.00	3,226.54	8,958.00	5,731.46-	21,500.00
308 OTHER SUPPLIES	1,259.57	13,466.62	16,119.00	2,652.38-	38,694.00
309 PRINTING & BINDING	2,587.89	2,713.09	10,624.00	7,910.91-	25,500.00
312 UNIFORMS & RELATED ITEMS	4,106.12	6,295.17	21,498.00	15,202.83-	51,602.00
401 COMMUNICATIONS	5,926.82	32,960.16	41,248.00	8,287.84-	99,002.00
402 RENTALS	2,089.00	14,604.98	11,812.00	2,792.98	28,350.00
403 UTILITIES	28,303.42	172,680.56	157,686.00	14,994.56	378,451.00
405 PROF & SCIENTIFIC SERVICE	10.00	3,810.00	35,438.00	31,628.00-	85,055.00
406 OUTSIDE SERVICES	14,959.84	82,636.67	88,540.00	5,903.33-	212,500.00
408 ADVERTISING & PUBLICITY	9.83	20.24	20.00	0.24	50.00
410 DATA PROCESSING	375.76	1,100.32	4,165.00	3,064.68-	10,000.00
414 REIMBURSEMENTS TO OTHER A	457.20	1,684.87	2,291.00	606.13-	5,500.00
501 EQUIPMENT	8,888.92	28,286.49	50,416.00	22,129.51-	121,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	1,676.36	1,124.00	552.36	2,700.00
DIVISION TOTAL	459,410.42	3,380,400.31	3,301,830.00	78,570.31	7,924,499.00

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5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	115,600.12	731,218.87	817,568.00	86,349.13-	1,962,174.00
202 PERSONAL TRAVEL	3,496.28	16,671.59	22,469.00	5,797.41-	53,939.00
203 STATE VEHICLE OPERATION	5,101.76	34,309.43	31,246.00	3,063.43	75,000.00
204 STATE VEHICLE DEPRECIATIO	11,035.00	51,265.00	45,657.00	5,608.00	109,580.00
301 OFFICE SUPPLIES	4,982.07	9,058.98	8,623.00	435.98	20,700.00
302 FACILITY MAINTENANCE SUPP	4,835.69	17,755.80	16,039.00	1,716.80	38,500.00
303 EQUIPMENT MAINTENANCE SUP	4,707.55	17,433.28	23,373.00	5,939.72-	56,100.00
307 AG., CONSERVATION & HORT S	40,938.42	83,583.71	36,342.00	47,241.71	87,223.00
308 OTHER SUPPLIES	699.84	2,357.33	20,623.00	18,265.67-	49,500.00
309 PRINTING & BINDING	1,237.10	3,966.65	5,998.00	2,031.35-	14,400.00
312 UNIFORMS & RELATED ITEMS	1,166.76	2,797.49	6,569.00	3,771.51-	15,775.00
401 COMMUNICATIONS	2,793.52	12,446.37	14,496.00	2,049.63-	34,800.00
402 RENTALS	70.00	5,744.41	12,499.00	6,754.59-	30,000.00
403 UTILITIES	3,184.33	8,460.44	13,540.00	5,079.56-	32,500.00
406 OUTSIDE SERVICES	2,883.43	7,300.93	14,790.00	7,489.07-	35,500.00
408 ADVERTISING & PUBLICITY	974.41	1,335.04	374.00	961.04	900.00
410 DATA PROCESSING	183.99	511.42	457.00	54.42	1,100.00
501 EQUIPMENT	8,812.58	25,535.22	45,433.00	19,897.78-	109,043.00
DIVISION TOTAL	212,702.85	1,031,751.96	1,136,096.00	104,344.04-	2,726,734.00

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	TOTAL EXPENDITURES 11/01/91 - 11/30/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	148,276.04	950,430.68	1,014,364.00	63,933.32-	2,434,505.00
202 PERSONAL TRAVEL	5,205.66	16,454.94	26,032.00	9,577.06-	62,504.00
203 STATE VEHICLE OPERATION	1,877.71	9,795.52	10,832.00	1,036.48-	26,000.00
204 STATE VEHICLE DEPRECIATIO	2,445.00	12,225.00	12,375.00	150.00-	29,700.00
301 OFFICE SUPPLIES	593.27	5,138.68	5,980.00	841.32-	14,366.00
302 FACILITY MAINTENANCE SUPP	82.53	87.30	562.00	474.70-	1,350.00
303 EQUIPMENT MAINTENANCE SUP	502.20	6,081.06	6,040.00	41.06	14,500.00
304 PROF. & SCIENTIFIC SUPPL	967.85	2,017.15	1,165.00	852.15	2,800.00
308 OTHER SUPPLIES	1,641.86	19,151.46	16,186.00	2,965.46	38,861.00
309 PRINTING & BINDING	1,053.55	7,129.31	15,888.00	8,758.69-	38,145.00
401 COMMUNICATIONS	3,070.49	11,228.55	14,270.00	3,041.45-	34,260.00
402 RENTALS	175.00	935.00	1,000.00	65.00-	2,400.00
403 UTILITIES	989.45	2,879.55	5,488.00	2,608.45-	13,175.00
405 PROF & SCIENTIFIC SERVICE	113,457.17	274,885.84	316,922.00	42,036.16-	760,620.00
406 OUTSIDE SERVICES	15,253.30	24,195.48	6,204.00	17,991.48	14,900.00
410 DATA PROCESSING	1,468.95	4,158.80	7,330.00	3,171.20-	17,600.00
414 REIMBURSEMENTS TO OTHER A	194.00	194.00	175.00	19.00	420.00
501 EQUIPMENT	29,713.93	29,738.88	25,800.00	3,938.88	61,930.00
DIVISION TOTAL	326,967.96	1,376,727.20	1,486,613.00	109,885.80-	3,568,036.00

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7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	423,867.79	2,632,921.62	2,826,380.00	193,458.38-	6,783,342.00
202 PERSONAL TRAVEL	10,672.42	38,066.65	60,424.00	22,357.35-	145,050.00
203 STATE VEHICLE OPERATION	3,526.96	17,411.13	25,916.00	8,504.87-	62,200.00
204 STATE VEHICLE DEPRECIATIO	4,685.00	23,360.00	27,499.00	4,139.00-	66,000.00
301 OFFICE SUPPLIES	5,320.74	19,465.09	21,888.00	2,422.91-	52,550.00
302 FACILITY MAINTENANCE SUPP	155.27	530.79	1,041.00	510.21-	2,500.00
303 EQUIPMENT MAINTENANCE SUP	42.00	3,964.26	4,581.00	616.74-	11,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	35.12	416.00	380.88-	1,000.00
308 OTHER SUPPLIES	706.10	12,037.00	9,265.00	2,772.00	22,250.00
309 PRINTING & BINDING	3,862.10	10,411.95	18,160.00	7,748.05-	43,600.00
312 UNIFORMS & RELATED ITEMS	0.00	217.33	832.00	614.67-	2,000.00
401 COMMUNICATIONS	10,889.33	41,077.31	45,874.00	4,796.69-	110,100.00
402 RENTALS	2,885.55	18,700.62	22,916.00	4,215.38-	55,000.00
403 UTILITIES	750.43	4,372.97	6,291.00	1,918.03-	15,100.00
405 PROF & SCIENTIFIC SERVICE	50,934.03	213,764.73	356,770.00	143,005.27-	856,259.00
406 OUTSIDE SERVICES	2,758.50	9,386.40	18,109.00	8,722.60-	43,470.00
408 ADVERTISING & PUBLICITY	399.85	1,399.21	4,165.00	2,765.79-	10,000.00
410 DATA PROCESSING	13,019.74	35,662.80	56,719.00	21,056.20-	136,140.00
414 REIMBURSEMENTS TO OTHER A	1,611.46	1,611.46	2,749.00	1,137.54-	6,600.00
501 EQUIPMENT	11,482.38	67,049.82	162,230.00	95,180.18-	389,360.00
DIVISION TOTAL	547,569.65	3,151,446.26	3,672,225.00	520,778.74-	8,813,521.00

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	TOTAL EXPENDITURES 11/01/91 - 11/30/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	725,980.88	4,626,920.85	4,659,833.00	32,912.15-	11,183,655.00
202 PERSONAL TRAVEL	26,661.06	119,331.43	140,266.00	20,934.57-	336,671.00
203 STATE VEHICLE OPERATION	40,755.61	211,845.69	190,803.00	21,042.69	457,959.00
204 STATE VEHICLE DEPRECIATIO	57,265.00	283,115.00	297,187.00	14,072.00	713,260.00
301 OFFICE SUPPLIES	50,724.69	83,399.81	77,956.00	5,443.81	187,120.00
302 FACILITY MAINTENANCE SUPP	11,727.05	74,691.77	137,962.00	63,270.23-	331,144.00
303 EQUIPMENT MAINTENANCE SUP	21,736.92	161,513.97	145,222.00	16,291.97	348,577.00
307 AG., CONSERVATION & HORT S	16,035.86	99,134.01	128,254.00	29,119.99-	307,827.00
308 OTHER SUPPLIES	26,676.18	35,596.40	34,573.00	1,023.40	83,008.00
309 PRINTING & BINDING	3,081.05	16,875.97	62,611.00	45,735.03-	150,276.00
312 UNIFORMS & RELATED ITEMS	18,225.54	63,606.55	50,453.00	13,153.55	121,121.00
401 COMMUNICATIONS	17,559.00	77,256.82	71,533.00	5,723.82	171,704.00
402 RENTALS	703.00	12,885.41	17,450.00	4,564.59-	41,892.00
403 UTILITIES	15,261.43	63,444.68	90,416.00	26,971.32-	217,020.00
405 PROF & SCIENTIFIC SERVICE	4,543.81	61,365.06	57,854.00	3,511.06	138,855.00
406 OUTSIDE SERVICES	3,436.94	28,410.78	40,336.00	11,925.22-	96,830.00
408 ADVERTISING & PUBLICITY	222.46	269.42	478.00	208.58-	1,150.00
410 DATA PROCESSING	18,525.77	29,762.82	18,374.00	11,388.82	44,100.00
414 REIMBURSEMENTS TO OTHER A	0.00	33,617.65	54,166.00	20,548.35-	130,000.00
501 EQUIPMENT	21,172.43	52,198.40	105,905.00	53,706.60-	254,191.00
602 OTHER EXPENSES & OBLIGATI	0.00	150.00	250.00	100.00-	600.00
701 LICENSES	0.00	15.00	125.00	110.00-	300.00
DIVISION TOTAL	1,080,294.68	6,135,407.49	6,382,007.00	246,599.51-	15,317,260.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 11/30/91

PAGE 9

	TOTAL EXPENDITURES 11/01/91 - 11/30/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	26,533.63	164,651.91	225,542.00	60,890.09-	541,305.00
202 PERSONAL TRAVEL	2,046.69	15,680.12	17,896.00	2,215.88-	42,960.00
301 OFFICE SUPPLIES	231.16	922.24	4,802.00	3,879.76-	11,530.00
308 OTHER SUPPLIES	410.93	1,068.59	3,458.00	2,389.41-	8,300.00
309 PRINTING & BINDING	358.65	8,517.12	29,791.00	21,273.88-	71,500.00
401 COMMUNICATIONS	923.30	3,638.54	10,540.00	6,901.46-	25,300.00
405 PROF & SCIENTIFIC SERVICE	60,459.03	60,459.03	41,402.00	19,057.03	99,365.00
406 OUTSIDE SERVICES	867.43	913.93	2,394.00	1,480.07-	5,750.00
410 DATA PROCESSING	409.16	1,103.90	1,707.00	603.10-	4,100.00
501 EQUIPMENT	0.00	460.01	3,156.00	2,695.99-	7,575.00
DIVISION TOTAL	92,239.98	257,415.39	340,688.00	83,272.61-	817,685.00

Mr. Kuhn provided information on what happened last year in terms of general funds reverted from Operations.

Nancylee Siebenmann asked what proportion of the entire budget is allocated to the Environmental Protection Division.

Mr. Kuhn replied that approximately 15-16% goes to the Environmental Protection Division.

This was an informational item; no action was required.

#### SECTION 319 CONTRACT AGREEMENTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to authorize the Director to enter into contracts with the Division of Soil Conservation, Iowa Department of Agriculture and Land Stewardship, to carry out nonpoint pollution control projects in Dickinson, Lyon and a joint Allamakee/Winneshiek County project. These projects are:

These are additional projects or project increments in accordance with the funding received from EPA for Section 319 non-point pollution planning purposes. A detailed explanation of this program is contained in the August, 1990 EPC minutes.

DICKINSON COUNTY: Year Two of a five-year project to coordinate and implement the wetlands/nutrient/pesticide management components of the Iowa Great Lakes Protection Project. Funds will be used to employ an Environmental Specialist to develop project activities, including: identifying wetland areas for acquisition, development or restoration; working with landowners to implement Best Management Practices; working with other agencies to coordinate activities; conduct follow-up activities with landowners; public education on the projects activities; and, develop a nutrient and pesticide management program.

The contract will be in the amount of \$25,000 to support the second year of project activities and will be 100% federally-funded.

LYON COUNTY: A three-year project to protect and improve the water quality of Lake Pahoja by reducing sediment delivery, nutrient use and pesticide use within the watershed. The project will utilize practices such as animal waste facilities, soil conservation practices, and nutrient and pesticide management practices to reduce the impact of the pollutants. Public information activities will promote the project.

The contract amount will be \$45,000 to support the first year of the project and will be 100% federally-funded.

ALLAMAKEE/WINNESHIEK COUNTIES: This joint three-year project will improve the water quality in Coon Creek, a cold-water stream used as a trout fishery. Sediment reduction from cropland erosion and livestock access to the stream will be reduced by applying sediment control practices in a watershed priority area close to the stream, and by voluntary restriction of livestock access in the stream.

The contract amount will be \$57,000 to support year one of the project and will be 100% federally-funded.

Mr. Kuhn briefly explained the project contracts and asked the Commission's approval.

*Motion was made by Nancy Lee Siebenmann to approve the Section 319 Nonpoint Pollution Control Projects for Dickinson, Lyon and Allamakee/Winneshiek counties, as presented. Seconded by Rozanne King. Motion carried unanimously.*

PROPOSED RULE--CHAPTERS 100 AND 102, PERMITS: SPECIAL WASTE AUTHORIZATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item. that included several definitions dealing with infectious waste. It is proposed that Chapter 100 be amended to include those definitions as follows: infectious, infectious waste, contaminated sharps, cultures and stocks of infectious agents, human blood and blood products, pathological waste, and contaminated animal carcasses. The chapter will also be expanded to include (1) a definition of special waste, (2) a change in the definition of toxic and hazardous waste, and (3) changes in the paragraph dealing with Special Waste Authorizations.

It is proposed that Chapter 102 be amended to incorporate specific waste types and analytical testing requirements into the special waste category. A new analytical testing requirement is proposed for paint related wastes to replace the Total Extractable Hydrocarbon test currently used. The Total Hydrocarbon test has been found to be unacceptable for determining hydrocarbons contained in the waste. The proposed analytical testing requirement would add nine additional "solvent like" constituents to the current Toxicity Characteristic Leaching Procedure.

(Rule is shown on the following 5 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION (567)  
PROPOSED RULE

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission gives Notice of Intended Action to amend 567--Chapter 100 "Scope of Title-Definitions-Forms-Rules of Practice," and Chapter 102 "Permits," Iowa Administrative Code.

The Commission proposes to amend 567--Chapter 100 to adopt definitions of infectious waste, contaminated sharps, cultures and stocks of infectious agents, human blood and blood products, pathological waste, and contaminated animal carcasses. The chapter will also be expanded to include a definition of special waste. The rules in 567--102 will be amended to incorporate specific waste types and analytical testing requirements into the special waste category. A new analytical testing requirement is being proposed for paint related wastes to replace the Total Extractable Hydrocarbon test currently used. The Total Extractable Hydrocarbon test has been found to be unacceptable for determining hydrocarbons contained in the wastes. The proposed analytical testing requirement would add nine additional "solvent like" constituents to the current Toxicity Characterist Leaching Procedure.

Written comments may be directed to Jim Thayer, DNR, Wallace Building, Des Moines, Iowa 50319, FAX 515/281-8895 through . Interested persons may also provide oral comments at public hearings to be held at the following locations and times:

These rules are intended to implement section 455B.304 and 455B.490 of the Code of Iowa.

These amendments may impact small businesses.

The following amendments are proposed:

ITEM 1. Amend subrule 567--100.2(455B) as follows:

"Toxic and Hazardous Waste" means waste materials, including but not limited to poisons, pesticides, herbicides, fungicides, insecticides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

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ITEM 2. Further amend subrule 100.2(455B) by adding the following definiti

"Special Waste" means waste materials including but not limited to non-hazardous industrial wastes, infectious wastes, and similar potentially harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

"Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

"Infectious waste" means waste, which is infectious, including but not limited to contaminated sharps, cultures, and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

"Contaminated sharps" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, hypodermic needles, scalpel blades, and pasteur pipettes.

"Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines and culture dishes and devices used to transfer, inoculate, or mix cultures.

"Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than twenty milliliters.

"Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

"Contaminated animal carcasses" means waste including carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

ITEM 3. Amend subrule 100.3(2)(455B) as follows:

~~Industrial sludge and toxic and hazardous waste disposal instructions~~  
Special waste disposal instructions. Requests for special waste  
authorizations instructions for the disposal of hazardous or toxic  
waste non-hazardous industrial wastes and infectious wastes  
, as required by 102.14(2) shall be submitted to:

Administrative Support Station  
~~Special Waste Authorizations~~  
Environmental Protection Division  
Iowa Department of Natural Resources  
Henry A. Wallace Building  
900 East Grand  
Des Moines, Iowa 50319-0034

Further amend subrule 100.3(2)(455B) by amending paragraph "a" as follows:

a. Requests shall be made by submitting Form 46 (542-3216) "Request for Special Waste Authorization" accompanied by supporting data as deemed necessary by the department. In case of emergency, instructions may

be obtained by telephone by calling 515/281-8692. In those limited circumstances when the waste is unused commercial product in the original container which has attached legible labels and there is reasonable certainty that the label accurately represents the contents of the container the owner of this waste need only submit a Waste Disposal of Commercial Products Only, Form 47 (542-3148). Special waste authorization request forms can be obtained by calling 515/281-3426.

ITEM 4. Amend subrule 567--102.15(455B) by adding the following introductory paragraph:

The main goal of the Special Waste Authorization program is to ensure that RCRA characteristic hazardous wastes, RCRA listed hazardous wastes, and other potentially toxic wastes are not disposed of in sanitary landfills which are not permitted to accept hazardous wastes.

Further amend subrule 567--102.15(455B) as follows:

102.15(2)a Non-hazardous industrial sludge and toxic and hazardous waste. No industrial sludge or toxic and hazardous waste shall be delivered to nor disposed by a sanitary disposal project unless explicit instructions are first obtained from the department.

102.15(2)b Prior to the issuance of any such instructions, the department may require that a proposal for disposal of such waste in conformance with these rules with supporting data as may be deemed necessary be submitted by the originator of such waste for evaluation by the department. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved. analytical testing supporting the characterization of the waste as non-hazardous. The analytical results must be submitted along with the "Request for Special Waste Authorization" Form 46 (542-3216). The TCLP testing requirements may be altered if the department believes there is sufficient evidence supporting the absence of a constituent or constituents usually required by the TCLP. Material Safety Data Sheets may be used as supporting evidence if the waste constituents are clearly listed. The department reserves the right to refuse any Material Safety Data Sheet which is not properly and sufficiently prepared.

102.15(2)c All toxic and hazardous waste or industrial sludge industrial and infectious waste for which instructions have been received shall be disposed according to those instructions.

102.15(2)d Wastes may be disposed under a Special Waste Authorization if the waste is non-hazardous as determined by the following criteria:

1. No TCLP (Toxicity Characteristic Leaching Procedure) constituents over the following federally regulated levels:

Arsenic	5.0 mg/l
Barium	100.0 mg/l
Benzene	0.5 mg/l
Cadmium	1.0 mg/l
Carbon tetrachloride	0.5 mg/l
Chlordane	0.03 mg/l

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Chlorobenzene	100.0 mg/l
Chloroform	6.0 mg/l
Chromium	5.0 mg/l
o-Cresol	200.0 mg/l
m-Cresol	200.0 mg/l
p-Cresol	200.0 mg/l
Cresol	200.0 mg/l
2,4-D	10.0 mg/l
1,4 Dichlorobenzene	7.5 mg/l
1,2 Dichloroethane	0.5 mg/l
1,1 Dichloroethylene	0.7 mg/l
2,4 Dinitrotoluene	0.13 mg/l
Endrin	0.02 mg/l
Heptachlor (and its hydroxide)	0.008 mg/l
Hexachlorobenzene	0.13 mg/l
Hexachloro-1,3-butadiene	0.5 mg/l
Hexachloroethane	3.0 mg/l
Lead	5.0 mg/l
Lindane	0.4 mg/l
Mercury	0.2 mg/l
Methoxychlor	10.0 mg/l
Methyl ethyl ketone	200.0 mg/l
Nitrobenzene	2.0 mg/l
Pentachlorophenol	100.0 mg/l
Pyridine	5.0 mg/l
Selenium	1.0 mg/l
Silver	5.0 mg/l
Tetrachloroethylene	0.7 mg/l
Toxaphene	0.5 mg/l
Trichloroethylene	0.5 mg/l
2,4,5-Trichlorophenol	400.0 mg/l
2,4,6-Trichlorophenol	2.0 mg/l
2,4,5-TP (Silvex)	1.0 mg/l
Vinyl chloride	0.2 mg/l

2. Paint related wastes require TCLP testing of an additional nine constituents. The additional nine regulatory limits are as follows:

Acetone	10.0 mg/l
Butyl alcohol	10.0 mg/l
Ethyl acetate	90.0 mg/l
Ethylbenzene	70.0 mg/l
Isobutanol	30.0 mg/l
Methylene chloride	0.5 mg/l
Styrene	20.0 mg/l
Toluene	100.0 mg/l
Xylene	100.0 mg/l

2. No free liquids as determined by the Paint Filter Liquids Test
3. pH of solid in 10% solution not less than or equal to 2 or greater than 12.5
5. Does not meet any of the federal Resource Conservation and Recovery criteria for listed or characteristic hazardous wastes.
6. The waste is not contaminated by pesticides or herbicides.



ITEM 5. Add the following new paragraphs to 102.15(2)(455B):

e. Specific types of wastes requiring a Special Waste Authorization for disposal in a sanitary landfill.

1. Industrial sludges: Analytical testing requirements include Toxic Characteristic Leaching Procedure, Paint Filter Liquids Test, and pH. If solvents are used in the process which generates the sludge, the additional TCLP organics are required.

2. Paint, stain, and varnish wastes ( filters, overspray, sludges): Analytical testing requirements include the Paint Filter Liquids Test, Toxic Characteristic Leaching Procedure, pH, and the additional TCLP organics.

3. Incinerator ash, fly ash, baghouse dust: Analytical testing requirements include the Toxic Characteristic Leaching Procedure.

4. Wastewater grit and bar screenings: No analytical testing is required. The grit and bar screenings must be stabilized with lime to a pH of at least 12 for two hours.

5. Sandblast waste: Analytical testing requirements include Toxic Characteristic Leaching Procedure, and pH.

6. Filtering media: Analytical testing requirements include Toxic Characteristic Leaching Procedure, and pH.

7. Sharps: Must be sterilized and disposed of in a rigid container. No analytical testing required.

8. Other infectious wastes: Must be sterilized in a bag manufactured for stability during sterilization. The bag must have tape in the upper 1/3 portion. The tape will have black or dark brown lines running through it, indicating that sterilization has taken place after the tape was applied to the bag.

9. Pharmaceuticals and biological products: Labels listing chemical composition must accompany Form 46.

10. Industrial process waste: (Does not include office waste that could be characterized as other than process waste). Analytical testing requirements include Toxic Characteristic Leaching Procedure, pH, and Paint Filter Liquids Test.

11. PCB contaminated wastes: Analytical testing requirements include PCB content. Wastes having levels of PCB contamination above the federal maximum contamination levels shall not be authorized for disposal.

12. Pathological wastes and contaminated animal carcasses: Must be incinerated rendering them non-recognizable. The incinerator ash requires the Toxic Characteristic Leaching Procedure.

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13. Captan treated seed bags: There are no analytical testing requirements but special handling is required at the sanitary landfill. Captan treated seed should be recycled through an ethanol plant.

14. Pesticide contaminated wastes containing less than 10 ppm total pesticides.

15. Polynuclear Aromatic Hydrocarbon (PAH) contaminated soil may be disposed if the Total PAH level is below 500 ppm and the Total Carcinogenic PAH level is below 100 ppm.

16. Aflatoxin contaminated wastes may be disposed at levels of 500 ppb or lower.

f. Wastes not requiring a Special Waste Authorization. The following wastes do not require an SWA: asbestos, petroleum contaminated soil, asphalt, antibiotic and vitamin treated animal feed, marble and other similar materials. This list should not be construed as being complete there may be other wastes which do not require an SWA. Contact the department if your waste type has not been discussed.

Mr. Stokes explained legislative changes dealing with definitions of infectious waste and provided details of the rule.

Rozanne King asked for clarification of the last sentence on page 2, and related that it would not be expedient, in case of emergency, to merely request a form.

Mr. Stokes explained that a person might call to get a form and staff would, at the same time, grant conditional authorization. He added that staff will rework that section of the rule.

Nancylee Siebenmann stated that in paragraph 3, page 2, hypodermic needles are listed as contaminated sharps and she feels suture needles should also be listed.

Commissioner Siebenmann suggested that in paragraph 4, page 2, that intravenous tubing be included in the listing. She also suggested that the wording on page 2, paragraph 1, second line, be changed to read "so that exposure by an infectious agent to a susceptible host, etc." She also suggested that on page 5, number 8, the type of tape should be clarified as being heat sensitive or heat indicator tape.

Mr. Stokes noted the suggested changes and related that staff will take a look at the language and clean it up where possible.

Discussion followed.

Gary Priebe commented that he has concerns with page 2, paragraph 5, in that blood and blood products from an HIV patient can be dumped in a landfill if it is less than twenty milliliters.

Mr. Stokes stated that staff worked with the Health Department in development of the rules and they indicated that HIV is fairly short lived outside the bodily environment. He added that he will double check that issue.

This was an informational item; no action was required.

#### PUBLIC PARTICIPATION

Carl Reno, Iowa Rural Water Association, presented the following written statement:

To: Environmental Protection Commission  
From: Iowa Rural Water Association  
Re: State Primacy  
Date: December 13, 1991

"Mr. Chairman and members of the commission; I'm writing representing the Iowa Rural Water Association. Our association would like to address a concern regarding the possible loss of state primacy regulating standards of the Safe Drinking Water Act.

The Federal Standards mandate that an additional 200 contaminants be monitored and tested by water suppliers by the year 2005. Our state association supports the premise that safe potable water should be required by all suppliers. However, all of our Community Members (440) have a population of less than 10,000 and will be hard pressed and in most cases find it difficult to comply with these regulations.

The transition will cause a great deal of grief for these small communities as well as many other public water suppliers. The SDWA is very technical in nature and the Department of Natural Resources is needed to interpret and provide advice regarding these upcoming regulations. We feel the state can better provide leadership during this transition than a federal agency.

The state budget has many of us concerned. We have voiced our concern legislatively and with the Governor's Office that the Department of Natural Resources must be adequately funded in order to meet the requirements of the Environmental Protection Agency. We will continue to voice this philosophy during the 1992 session.

Briefly reviewing the legislative position of your agency for 1992, we find a procedure for allowing higher fees for permits

and possibly user fee capabilities. Larger systems may be able to absorb these additional costs, however, the smaller communities could be effected adversely. The trust fund format could be acceptable provided the monies generated would be carried over yearly to support the drinking water programs and not reverted to the general fund.

It will be a step backward for the State of Iowa to return primacy to the Environmental Protection Agency. Our Association will provide our resources in order to help meet challenges before the water industry in our state to keep primacy with the Department of Natural Resources.

Thank you for your past efforts in providing leadership and past technical assistance in our industry and we hope that through a greater awareness by all Iowans and continued cooperative efforts of the water suppliers that a solution can and will become apparent to the problem before us."

#### CHAPTER 102- DISCUSSION

Director Wilson, referring back to Commissioner Siebenmann's question about the tabled item on Chapter 102 (financial responsibility rules and regulations), confirmed that the item was tabled at the October meeting. He added that nothing was done with it at the November meeting and asked Allan Stokes to comment on it.

Mr. Stokes stated that staff is working on making appropriate changes to the rule and that is why it is late in coming off the table.

#### PROPOSED RULE--CHAPTER 148, REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Iowa Code 455B, Division IV, Part 5, is the legislative authority for placing sites on the Registry. Written procedures have been developed internally which are used as guidance by the staff for placing sites on the Registry.

On July 25, 1991, an Administrative Law Judge ruled that the department's reliance on its procedure manual without following 17A required rulemaking procedures was in error. From this ruling it appears necessary and appropriate for the department to develop and implement rules for placing sites on the Registry.

These rules establish the procedures and criteria the department will use with respect to listing sites on the Register of Hazardous Waste or Hazardous Substance Disposal Sites. Included are:

- \* Criteria for selection of site investigations
- \* Procedures for site investigation prior to listing on the registry
- \* Criteria for classifying sites
- \* Procedures for listing sites
- \* Reporting Requirements

(Rule is shown on the following 6 pages)

## CHAPTER 148

### REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES

#### 567--148.1(455B) Scope.

**148.1(1)** These rules establish the procedures and criteria the department will use with respect to listing sites on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites as required by Iowa Code section 455B.426. These rules apply to the evaluation for listing of known or suspected hazardous waste or hazardous substance disposal sites and to changes of the listing of sites on the registry.

**148.1(2)** These rules shall not limit the department's authority under Chapter 133 to determine the parties responsible and cleanup actions necessary to meet the goals of the state pertaining to the protection of the groundwater. These rules shall not limit the department's authority to require remedial or preventative action, or to take remedial or preventative action, as necessary to protect the public health, environment, or quality of life or to otherwise prevent or abate the exposure of the citizens of the state to hazardous conditions.

**148.1(3)** Persons subject to these rules retain all applicable appeal rights provided in Iowa Code chapter 455B.

#### 567--148.2(455B) Definitions.

**"Action Level"** means, for any contaminant, the HAL, if one exists; if there is no HAL, then the NRL, if one exists; if there is no HAL or NRL, then the MCL. If there is no HAL, NRL, or MCL, an action level may be established by the department based on current technical literature and recommended guidelines of EPA and recognized experts, on a case-by-case basis.

**"Contaminant"** means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance which does not occur naturally or which does occur naturally at a lower concentration, and includes all hazardous substances.

**"Disposal"** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of a hazardous waste or hazardous substance into or on land or water so that the hazardous waste or hazardous substance or a constituent of the hazardous waste or hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**"Groundwater"** means any water of the state as defined in Iowa Code section 455B.171 which occurs beneath the surface of the earth in a saturated geologic formation of rock or soil.

**"HAL"** means a lifetime health advisory level for a contaminant, established by the EPA. Health advisories represent the concentration of a single contaminant, based on current toxicological information, in drinking water which is not expected to cause adverse health effects over lifetime exposure.

**"Hazardous Substance"** means a hazardous substance as defined in 42 U.S.C. 9601, and any element, compound, mixture, solution, or substance designated pursuant to 40 C.F.R. 302.4.

*"Hazardous Waste"* means a waste or combination of wastes as defined in Iowa Code section 455B.411.

*"Hazardous Waste or Hazardous Substance Disposal Site"* means real property which has been used for the disposal of hazardous waste or hazardous substances either illegally or prior to regulation as a hazardous waste or hazardous substance under Iowa Code chapter 455B, Division IV, Part 5 and any adjoining real property and groundwater affected by the disposal activity.

*"MCL"* means the enforceable maximum contaminant level established by the EPA pursuant to the Safe Drinking Water Act.

*"NRL"* means the negligible risk level for carcinogens established by the EPA, which is an estimate of one additional cancer case per million people exposed over a lifetime to the contaminant ( $1 \times 10^{-6}$ ).

#### **567--148.3(455B) Site Selection for Investigation Criteria.**

**148.3(1) General requirement.** The director shall investigate each known or suspected hazardous waste or hazardous substance disposal site.

**148.3(2) Order of investigation.** Three priority criteria shall be used to help determine the order of investigation of potential sites for the registry. The criteria are intended as general guidance and shall not be used to limit the department's selection of sites for investigation or the order of such investigation.

a. *1st Priority.* Final or proposed National Priorities List (NPL) sites. These are sites which have received a Hazardous Ranking System (HRS) score greater than 28.5.

b. *2nd Priority.* Sites with documented releases of contaminants to the groundwater above action levels or which otherwise may pose a significant threat to human health or the environment because of known or potential disposal activities.

c. *3rd Priority.* Sites without documented releases of contaminants to the groundwater above action levels and which otherwise may not pose a significant threat to human health or the environment because of known or potential disposal activities.

#### **567--148.4(455B) Site Investigation for Listing on Registry.**

**148.4(1) Determination of eligibility.** The Department shall determine if a site meets the statutory definition of a hazardous waste or hazardous substance disposal site. A brief written document shall be prepared which includes a recommended eligibility determination and provides summary information in support of this recommendation. The purpose of the determination document is limited to providing guidance for conducting further investigation of the site.

a. *File review.* The review of site investigation reports and other documents in the department's files shall be the primary source of information for making the eligibility determination. The director may also conduct an on-site investigation in the manner provided by the Iowa Code section 455B.416 to help make the eligibility determination.

*b. Documentation of disposal.* The determination of hazardous waste or hazardous substance disposal is supported by the confirmation of disposal of a specific amount of at least one hazardous waste or hazardous substance. Other evidence may provide adequate support for a positive determination and may include documentation of waste disposal that is likely to have included a significant amount of at least one hazardous waste or hazardous substance, or documentation of soil, surface water, or groundwater contamination and a likely disposal source location.

*c. Documentation of illegal or unregulated disposal.* The determination of disposal either illegally or prior to regulation as a hazardous waste or hazardous substance is appropriate for confirmed disposal activities unless the disposal occurred legally at a permitted hazardous waste disposal facility as regulated in accordance with the Resource Conservation and Recovery Act (RCRA).

**148.4(2) Site information package.** A site information package shall be developed to provide an accurate summary of information about the site based on the relevant information in the department's files. The document is intended to provide sufficient summary information to support adding a site to the registry and determining a site classification. However, the use of the site information package is not intended to prevent consideration of the more complete file documents or of new information about the site.

*a. File review.* The review of site investigation reports and other documents in the department files shall be the primary source of information for preparing the site information package. The director may also conduct an on-site investigation in the manner provided by the Iowa Code section 455B.416 to help prepare the site information package.

*b. Contents.* The site information packages shall be prepared with a similar format for each site. This format shall be designed, and modified as appropriate, to insure that adequate information as required by the Iowa Code section 455B.428 for the investigation of sites is included in each document.

*c. Site boundaries.* A legal description of the site is required for the registry listing. This boundary description shall be proposed in the site information package and shall include the area used for disposal and any adjoining real property and groundwater affected by the disposal activity. The site description may include multiple property owners.

*d. Toxicity and environmental fate summaries.* Information about the characteristics of individual toxic contaminants shall be contained in an appendix attached to the site information package. This information shall be developed as separate summary documents for the contaminants found at or known to be disposed of at the site. These individual summary documents are intended to provide supplemental information about the toxic characteristics of the most significant contaminants found at the site. Once prepared, these documents can be updated and reused with other site information packages as appropriate. The toxicity and environmental fate summaries shall be prepared with a similar format for each contaminant. This format shall be designed, and modified as appropriate, to insure that adequate information is included in each document.



## **567--148.5(455B) Site Classification**

**138.5(1) General requirement.** The Code of Iowa section 455B.427(3) requires the director to assess the relative priority of the need for action at each site to remedy environmental and health problems resulting from the presence of hazardous wastes or hazardous substances at the sites. Every site must be placed in one of five classifications. However, sites which are reclassified "e" shall be removed from the registry.

**148.5(2) Criteria for determining site classification.** The criteria described in 148.5(3) to 148.5(7) shall be used to help determine the appropriate classification or reclassification for sites on the registry. The department shall propose the recommended site classification after the development of the site information package described in 148.4(2).

**148.5(3) "a" Causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment--immediate action required.** The documented release of contaminants is causing or the imminent threat of release of contaminants is likely to cause one of the following conditions:

- (1) Exposure above groundwater action levels in a drinking water supply used for human or animal consumption.
- (2) Exposure above health guidelines through inhalation, ingestion, or with direct contact with soil or water.
- (3) Exposure resulting in the threat of acute toxic impacts on aquatic life or irreversible impact on the environment.

**148.5(5) "b" Significant threat to the environment--action required.** The documented release of contaminants is causing or the potential release of contaminants is likely to cause one of the following conditions:

- (1) Groundwater contamination above groundwater action levels.
- (2) The likely possibility of exposure above health guidelines through inhalation, ingestion, or with direct contact with soil or water.
- (3) Exposure resulting in the threat of chronic toxic impacts on aquatic life or significant impact on the environment.

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**148.5(5) "c" Not a significant threat to the public health or environment--action may be deferred.** There is no documented release of contaminants to groundwater above groundwater action levels and the potential for release under current site conditions is unlikely to cause a significant threat to the environment.

**148.5(6) "d" Site properly closed--requires continued management.** The site has been properly closed under an EPA or state approved remedial action plan in which the hazardous wastes or hazardous substances were removed, treated, or contained on-site and one of the following conditions is required:

- (1) Continued environmental monitoring to determine the adequacy of the remedial action.
- (2) Continued site management to maintain the integrity of the physical closure structures.

(3) Continued control of site to prevent inappropriate use of the property.

**148.5(7) "e" Site properly closed, no evidence of present or potential adverse impact--no further action required.** The site meets one of the following conditions:

(1) The site has undergone complete cleanup under an EPA or state approved closure plan and no monitoring, structural maintenance, site access control, or other action is required.

(2) The site has undergone other action which demonstrates that no further monitoring, structural maintenance, site access control, or other action is required.

**148.5(8) Department of Public Health (DPH) classification recommendation.** As required by Iowa Code, section 455B.427(3), the department shall work in cooperation with the DPH in making assessments of the relative priority classification on matters relating to public health. The department's proposed classification and a copy of the site information package shall be submitted with the request for the DPH site classification recommendation.

#### **567--148.6(455B) Site Listing**

**148.6(1) Notification to site owner.** After receiving and considering the recommended site classification from the DPH, the department shall notify the owner of any part of a site to be included in the registry. The notice shall include the name of the site owner(s), legal description of the site, period of waste disposal (if known), type of hazardous waste or hazardous substances disposed of or found as contaminants at the site, and the intended site classification. The notice shall be sent by certified mail to the owner's last known address thirty days before the site is added to the registry.

**148.6(2) Appeal of site listing.** During the thirty-day notice period, the owner or operator may appeal for deletion of the site, modification of the site classification, or modification of any information regarding the site. The site shall not be listed on the registry until a final decision has been made on the appeal in accordance with the Iowa Code section 455B.429.

**148.6(3) Recording of site designation.** After the site is placed on the registry, the director shall file with the county recorder a statement disclosing the period of waste disposal and the type of hazardous waste or hazardous substances disposed of or found as contaminants at the site.

**148.6(4) Changes to site listing.** Changes to the site boundary or site classification shall not be made without notice to the affected property owner(s). Changes in site boundary designations shall be filed with the county recorder. The director shall also notify the county recorder when the site has been reclassified "e" and has been removed from the registry.

**148.6(5) Use and transfer of listed sites.**

a. **Restriction on use.** Written approval of the director is required prior to any substantial change in the use of a listed site. The written requests shall be considered on the basis of the potential impact to human health and the environment.

b. **Restriction on property transfer.** Written approval of the director is required to sell, convey, or

transfer title of a listed site. The written requests shall be considered on the basis of the potential impact on human health and the environment.

*c. Appeal of director's decisions.* Decisions of the director concerning the use or transfer of a listed site may be appealed in a manner provide in Iowa Code section 455B.429.

*.148.6(6) Financial disclosure.* Financial discloser is required of a person liable for site cleanup costs. The disclosure report is required upon request of the department immediately after the site is listed on the registry. A subsequent report is required annually on April 15 for the period the site remains on the registry. The report shall consist of documentation of the responsible person's liabilities and assets, including if filed, a copy of the annual report submitted to the secretary of state pursuant to the Iowa Code chapter 496.

#### **567--148.7 Annual Report.**

*148.7(1) General requirement.* Annually, On January 1, the director shall transmit a report to the general assembly and governor identifying all sites on the registry. The report shall include all sites that have been added to the registry through October 30 of the preceding year. Sites that have been reclassified "e" during the year shall be deleted from subsequent annual reports. A copy of the report shall be sent to the board of supervisors of every county containing a site.

*148.7(2) Specific site information requirements.* The report shall include, but is not limited to the following information for each site:

*a.* A general description of the site, including the site location and name, current owner, and the type and quantity of hazardous waste or hazardous substance disposed of at the site.

*b.* If known, a summary of significant environmental problems at or near the site.

*c.* If known, a summary of serious health problems in the immediate vicinity of the site and health problems deemed by the director in cooperation with the DPH to be related to conditions at the site.

*d.* If occurring, the status of testing, monitoring, or remedial actions in progress or recommended by the director or other agencies.

*e.* If occurring, the status of pending legal actions and federal, state, or local permits concerning the site.

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*f.* The relative priority classification for remedial action at the site.

*g.* The proximity of the site to private residences, public buildings or property, school facilities, places of work, or other areas where individuals may be regularly present.

Mr. Stokes explained that in July 1991, as part of an Administrative Law Judge's decision relative to an appeal, the ALJ advised that the department should adopt, as rules, the procedures that are being followed. Otherwise, the department is operating under administrative guidance. He noted that he would like the Commission's comments before the rule is taken out to public hearing.

This was an informational item; no action was required.

1991 ANNUAL REPORT: REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS  
SUBSTANCE DISPOSAL SITES AND HAZARDOUS WASTE REMEDIAL FUND

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Section 455B.427 of the Code of Iowa requires the Director of the Department of Natural Resources to transmit a report to the General Assembly and the Governor each January 1st regarding those sites listed on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites.

Section 455B.425 of the Code of Iowa requires the Director of the Department of Natural Resources to give a full account to the General Assembly and the Governor each January 1st regarding the Hazardous Waste Remedial Fund.

The 1991 report has been prepared to fulfill both of these obligations. This report will be submitted to the General Assembly and the Governor after the December 1991 Commission meeting. A Copy of the report is included for your information.

(A copy of the report is on file in the department's Records Center).

Mr. Stokes gave a detailed explanation of the report and related that there is an Appendix A which was not distributed to the Commission. He noted that there are copies of the Appendix available if a Commissioner would like one.

Charlotte Mohr asked if any sites were added to the list this past year.

Mr. Stokes responded that there were approximately 25-30 sites added. The sites are listed on pages 6-7 with the year that they were added. Some sites are in appeal and those will not be listed until the appeals are finalized. He noted that, on Page 8, Smitty's Oil Service is erroneously listed as it is still in appeal, and it will be removed from the list before the final report is printed.

Nancylee Siebenmann referred to the Ralston Site listed on pages 127-129 and asked why there were no groundwater or surface water samples collected by EPA.

Mr. Stokes responded that he does not know, it is a question only EPA can answer. He added that the department, on behalf of the Commission, can write EPA and ask what their intentions are in regards to surface and groundwater monitoring on that site.

Nancylee Siebenmann stated that she feels it is important enough to have a letter written.

Discussion followed regarding the LaBounty Site.

PRIVATE WELL SAMPLING AND ABANDONMENT GRANTS TO COUNTIES, FY 93

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department recommends Commission approval for grants to 90 counties for well testing and plugging, and to 6 counties for well plugging only. This is a total of 96 grants. Grants will be approximately \$7,500 per county for well testing and \$6,700 per county for well abandonment for a total of \$1,318,700. These figures are based on the current unobligated balance in the ag-management account and additional expected before the end of the fiscal year.

Ninety six applications were received for the grant program. Each grant recipient will be expected, at a minimum to test 165 wells and plug 26 wells. Deviations from the minimum wells tested or plugged may be allowed based on the final available grant amounts and variable costs which the county has identified and can justify. Counties will also be allowed to transfer grant money from one program to the other.

For the 1993 fiscal year, the well testing grant has been increased by \$300 (from \$7,200 to \$7,500 per grant). There is no increase in well abandonment grants.

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Attached is a list of counties proposed to receive grants.

# IOWA DEPARTMENT OF NATURAL RESOURCES

## Environmental Protection Division

### Chapter 47 – Private Well Sampling and Well Abandonment Grants To Counties For FY93

COUNTY NAME	GRANT PROGRAM			NO. OF WELLS TO BE		ESTIMATED GRANT AMOUNT	
	Test	Plug	Both	Tested	Plugged	TESTING	PLUGGING
Adair			x	165	26	\$7,500	\$6,700
Adams			x	165	26	\$7,500	\$6,700
Allamakee			x	165	26	\$7,500	\$6,700
Appanoose			x	165	26	\$7,500	\$6,700
Audubon			x	165	26	\$7,500	\$6,700
Benton			x	165	26	\$7,500	\$6,700
Black Hawk			x	165	26	\$7,500	\$6,700
Boone			x	165	26	\$7,500	\$6,700
Bremer			x	165	26	\$7,500	\$6,700
Buchanan			x	165	26	\$7,500	\$6,700
Buena Vista			x	165	26	\$7,500	\$6,700
Butler			x	165	26	\$7,500	\$6,700
Calhoun			x	165	26	\$7,500	\$6,700
Carroll			x	165	26	\$7,500	\$6,700
Cass			x	165	26	\$7,500	\$6,700
Cedar			x	165	26	\$7,500	\$6,700
Cerro Gordo			x	165	26	\$7,500	\$6,700
Cherokee			x	165	26	\$7,500	\$6,700
Chickasaw			x	165	26	\$7,500	\$6,700
Clay			x	165	26	\$7,500	\$6,700
Clayton			x	165	26	\$7,500	\$6,700
Clinton			x	165	26	\$7,500	\$6,700
Crawford			x	165	26	\$7,500	\$6,700
Dallas			x	165	26	\$7,500	\$6,700
Davis			x	165	26	\$7,500	\$6,700
Decatur			x	165	26	\$7,500	\$6,700
Delaware			x	165	26	\$7,500	\$6,700
Des Moines			x	165	26	\$7,500	\$6,700
Dickinson			x	165	26	\$7,500	\$6,700
Dubuque			x	165	26	\$7,500	\$6,700
Emmet			x	165	26	\$7,500	\$6,700
Fayette			x	165	26	\$7,500	\$6,700
Floyd			x	165	26	\$7,500	\$6,700
Franklin			x	165	26	\$7,500	\$6,700
Fremont			x	165	26	\$7,500	\$6,700
Greene			x	165	26	\$7,500	\$6,700
Grundy			x	165	26	\$7,500	\$6,700
Guthrie			x	165	26	\$7,500	\$6,700
Hamilton			x	165	26	\$7,500	\$6,700
Hancock			x	165	26	\$7,500	\$6,700
Hardin			x	165	26	\$7,500	\$6,700
Harrison			x	165	26	\$7,500	\$6,700
Henry			x	165	26	\$7,500	\$6,700
Howard			x	165	26	\$7,500	\$6,700
Humboldt			x	165	26	\$7,500	\$6,700
Ida			x	165	26	\$7,500	\$6,700
Iowa			x	165	26	\$7,500	\$6,700

COUNTY NAME	GRANT PROGRAM			NO. OF WELLS TO BE		ESTIMATED GRANT AMOUNT	
	Test	Plug	Both	Tested	Plugged	Testing	Plugging
Jackson			x	165	26	\$7,500	\$6,700
Jasper			x	165	26	\$7,500	\$6,700
Jefferson		x			26		\$6,700
Johnson			x	165	26	\$7,500	\$6,700
Jones			x	165	26	\$7,500	\$6,700
Keokuk			x	165	26	\$7,500	\$6,700
Kossuth			x	165	26	\$7,500	\$6,700
Lee			x	165	26	\$7,500	\$6,700
Linn			x	165	26	\$7,500	\$6,700
Louisa			x	165	26	\$7,500	\$6,700
Lucas		x			26		\$6,700
Lyon			x	165	26	\$7,500	\$6,700
Madison		x			26		\$6,700
Mahaska			x	165	26	\$7,500	\$6,700
Marion			x	165	26	\$7,500	\$6,700
Marshall			x	165	26	\$7,500	\$6,700
Mills			x	165	26	\$7,500	\$6,700
Mitchell			x	165	26	\$7,500	\$6,700
Monona		x			26		\$6,700
Montgomery			x	165	26	\$7,500	\$6,700
Muscatine			x	165	26	\$7,500	\$6,700
O'Brien			x	165	26	\$7,500	\$6,700
Osceola		x			26		\$6,700
Page			x	165	26	\$7,500	\$6,700
Palo Alto			x	165	26	\$7,500	\$6,700
Plymouth			x	165	26	\$7,500	\$6,700
Pocahontas			x	165	26	\$7,500	\$6,700
Pottawattamie			x	165	26	\$7,500	\$6,700
Poweshiek			x	165	26	\$7,500	\$6,700
Ringgold			x	165	26	\$7,500	\$6,700
Sac			x	165	26	\$7,500	\$6,700
Scott			x	165	26	\$7,500	\$6,700
Shelby			x	165	26	\$7,500	\$6,700
Sioux			x	165	26	\$7,500	\$6,700
Story			x	165	26	\$7,500	\$6,700
Tama			x	165	26	\$7,500	\$6,700
Taylor			x	165	26	\$7,500	\$6,700
Union		x			26		\$6,700
Van Buren			x	165	26	\$7,500	\$6,700
Wapello			x	165	26	\$7,500	\$6,700
Warren			x	165	26	\$7,500	\$6,700
Washington			x	165	26	\$7,500	\$6,700
Wayne			x	165	26	\$7,500	\$6,700
Webster			x	165	26	\$7,500	\$6,700
Winnnebago			x	165	26	\$7,500	\$6,700
Winneshiek			x	165	26	\$7,500	\$6,700
Woodbury			x	165	26	\$7,500	\$6,700
Worth			x	165	26	\$7,500	\$6,700
Wright			x	165	26	\$7,500	\$6,700
<b>TOTAL</b>		6	90	14850	2496	\$675,500	\$643,200

Mr. Stokes gave an explanation of the recommended grants.

*Motion was made by Rozanne King to approve the Private Well Sampling and Well Abandonment Grants to Counties for FY 93, as presented. Seconded by Nancylee Siebenmann.*

Charlotte Mohr stated that this is a tremendous program in which many counties are doing a good job and she feels a letter should be sent to the Governor urging funding for it.

Discussion followed.

Chairperson Hartsuck stated that he would not care to recommend to the Governor that the state subsidize landowners in meeting their legal responsibilities in the area of plugging wells. He added that, generally speaking, landowners are responsible for environmental problems on their property.

Vote on Commissioner King's motion carried unanimously.

*Motion was made by Charlotte Mohr for the department to send a letter to the Governor recommending that the complete program be continued in spite of budget problems. Seconded by Gary Priebe. Motion carried unanimously.*

#### MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 16 1/2 pages)



IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
December 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 61 - Corps of Engineers Nationwide Permits	6/17/91	7/10/91	8/21/91	7/31/91-8/05/91	*1/21/92	*1/21/92	*2/ /92	*3/ /92
2. Ch. 61 - Water Quality Stds. S. Skunk River	10/21/91	11/13/91	12/10/91	12/03/91	*1/21/92	*1/21/92	*2/ /92	*3/ /92
3. Ch. 64 - Stormwater Discharge Permits	11/18/91	*12/11/91	*1/ /92	*1/03/92 *1/10/92	*2/17/92	*2/17/92	*3/ /92	*4/ /92
4. Ch. 100 & 102 - Permits - Special and Infectious Wastes	*1/21/92	*2/ /92	*3/ /92	*4/ /92	*4/ /92	*4/ /92	*5/ /92	*6/ /92
5. Ch. 134 - Registration of Groundwater Professionals	8/19/91	9/18/91	10/09/91	10/22/91 10/23/91 10/24/91	*1/21/92	*1/21/92	*2/ /92	*3/ /92
6. Ch. 135 - Technical Standards for Owners/Operators of USTs - Site Assessments	8/19/91	9/18/91	10/09/91	10/22/91 10/23/91 10/24/91	*1/21/92	*1/21/92	*2/ /92	*3/ /92
7. Ch. 136 - Financial Responsibility for USTs - Local Governments	11/18/91	12/11/91	*1/ /92	*1/07/92	*2/17/92	*2/17/92	*3/ /92	*4/ /92
8. Ch. 148 - Registry of Hazardous Waste or Hazardous Substance Disposal Sites	*1/21/92	*2/ /92	*3/ /92	*3/ /92	*4/ /92	*4/ /92	*5/ /92	*6/ /92

\*Projected

MONTHLY VARIANCE REPORT						
Month: November, 1991						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Rose Hill	Wastewater Construction	Garden & Associates	Lagoon Flow Measurement	Denied	11/01/91
2.	City of Rose Hill	Wastewater Construction	Garden & Associates	Manhole Spacing	Approved	11/22/91
3.	South Central Iowa Landfill - Madison County	Solid Waste	Jim M. Hochstetler	Cover	Approved	11/26/91
4.	Clear Lake Bakery, Inc.	Watersupply Construction	Howard R. Green Co.	Siting Criteria	Approved	11/12/91

**TOPIC: Report of Hazardous Conditions**

During the period November 1, 1991 through November 30, 1991, reports of 83 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
11/04/91 Muscatine	During production on 11/4/91, employees had difficulty controlling a chemical reaction in a process vessel. 11,000 pounds of azomethine were released to the atmosphere when pressure built up in the vessel. Material was sprayed on buildings and the ground. Employees were temporarily evacuated in downwind areas of the plant as a precaution.	Monsanto RR 5 Muscatine, Iowa	Oil dry was applied to absorb material. Some contaminated soil was excavated. Building surfaces were sandblasted to remove the material.
11/06/91 Fremont	The saddle tanks on a semi were damaged in a two vehicle accident. 100 gallons of diesel fuel were spilled in the median of the interstate.	B.R. Leasing Co. RR 4 Liberty, NC	The responsible party was instructed to overexcavate the contaminated soil and properly dispose of it.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1991

Substance Type

Mode

Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	87(112)	52(69)	4(7)	31(36)	42(70)	2(0)	24(25)	2(1)	0(1)	17(15)
Nov.	83(69)	56(36)	3(11)	22(22)	44(35)	1(0)	22(15)	0(4)	1(1)	13(14)
Dec.										
Jan.										
Feb.										
March										
April										
May										
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
11	8	6	6	23	27

**REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS**

During the period of November 1, 1991 through November 30, 1991, the following number of releases from underground storage tanks were identified.

30 (371)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1990.

# Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Anamosa, City of (1)	Drinking Water	Monitoring/Reporting-Inorganics; Public Notice	Order/Penalty	10/24/91
Calmar Manufacturing Co., Inc., Calmar (1)	Air Quality	Construction Without Permit	Order/Penalty	10/30/91
Independent Oil Co., Mt. Pleasant (6)	Underground Tank	Illegal Deposit	Order/Penalty	11/04/91
Paper Recovery Corporation, Sioux City (3)	Underground Tank	Closure Investigation	Order/Penalty	11/04/91
Clayton County Shop - Garnavillo Site (1)	Underground Tank	Closure Investigation	Order	11/04/91
Clayton County Shop - Guttenberg Site (1)	Underground Tank	Closure Investigation	Order	11/04/91
Thomas and Ruth Samuelson d/b/a Quality Car Wash, Osceola (5)	Underground Tank	Closure Investigation	Order/Penalty	11/04/91
Vernus Wunschel d/b/a Wunscehl Oil Co., Ida Grove (3)	Underground Tank	Closure Investigation	Order/Penalty	11/04/91
Don Zimmerman d/b/a Panama Oil Co., Panama (4)	Underground Tank	Closure Investigation	Order/Penalty	11/04/91
Landfill of Des Moines, Inc. Des Moines (5)	Solid Waste	Compliance Schedule; Other	Order/Penalty	11/04/91
Decorah, City of (1)	Wastewater	Discharge Limits	Order	11/04/91
Tower Club, Cresco (1)	Drinking Water	MCL - Bacteria; Public Notice	Order/Penalty	11/04/91
Winthrop Water Supply (1)	Drinking Water	Monitoring/Reporting-Nitrate and Other Inorganics; Public Notice	Order/Penalty	11/04/91
Dallas County Christian School, Minburn (5)	Drinking Water	Monitoring/Reporting-Organics; Public Notice	Order/Penalty	11/04/91
Sunshine Homes, Inc., Island (1)	Drinking Water	Monitoring/Reporting-Organics; Public Notice	Order/Penalty	11/04/91
Pleasant Creek Estates Assoc., Shellsburg (1)	Drinking Water	Monitoring/Reporting-Organics; Public Notice	Order/Penalty	11/04/91
Spring Grove Mobile Home Park, Burlington (6)	Drinking Water	Monitoring/Reporting-Organics; Public Notice	Order/Penalty	11/04/91
Washburn Water Co., Inc. Waterloo (1)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	11/04/91

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
North Twin View Heights, Solon (6)	Drinking Water	Monitoring/Reporting- Organics	Order/Penalty	11/04/91
Archer Daniels Midland Co., Clinton (6)	Drinking Water	Monitoring/Reporting- Organics	Order/Penalty	11/04/91
Grandview Corners, Grandview (6)	Drinking Water	Monitoring/Reporting- Organics	Order/Penalty	11/04/91
Northern Trails Area Preschool, Clear Lake (2)	Drinking Water	Monitoring/Reporting- Organics	Order/Penalty	11/04/91
Mt. Joy Mobile Home Park, Davenport (6)	Drinking Water	Monitoring/Reporting- Organics	Order/Penalty	11/04/91
Briggs Woods Park-Hamilton County Conservation Bd. (2)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	11/04/91
Martin Subdivision, Iowa City (6)	Drinking Water	Monitoring/Reporting- Organics	Order/Penalty	11/04/91
Coats Utilities Company, Ft. Dodge (2)	Drinking Water	Monitoring/Reporting- Inorganics	Amended Order- Rescinded	11/04/91
Stacyville, City of (2)	Wastewater	Monitoring/Reporting	Order/Penalty	11/04/91
Roger Brum, Stacyville (2)	Wastewater	Monitoring/Reporting	Order	11/04/91
William & Deborah Lynch, Ringgold County (4)	Flood Plain	Construction Without Permit	Amended Order- Rescinded	11/04/91
Rex Shaha, Ringgold County (4)	Flood Plain	Construction Without Permit	Amended Order- Rescinded	11/04/91
Waukee, City of (5)	Drinking Water	MCL - Bacteria	Amended Order	11/04/91
Des Moines County Board of Supervisors and Sylvester Klassen, Des Moines Co. (6)	Air Quality	Open Burning	Order/Penalty	11/04/91
Robert Dean d/b/a Robert Dean Trucking, Parkersburg (2)	Solid Waste	Illegal Disposal	Order/Penalty	11/07/91
Highland Golf Club, Inc., Iowa Falls (2)	Underground Tank	Closure Investigation	Order/Penalty	11/07/91
Dilts Trucking, Inc., Crescent (4)	Underground Tank	Closure Investigation	Order/Penalty	11/07/91
Jesse and Fran Schlichting d/b/a Hilltop Village MHP, Cherokee (3)	Drinking Water	Monitoring/Reporting- Organics; Public Notice	Order/Penalty	11/07/91
Sylvan Acres, Janesville (1)	Drinking Water	Monitoring/Reporting- Nitrate, Other Inorganics	Order/Penalty	11/07/91
Reggie's Auto Body & Repair, Postville (1)	Air Quality	Construction Without Permit	Order/Penalty	11/07/91
Koehring Cranes & Excavators Inc., Waverly (1)	Air Quality	Construction Without Permit	Order/Penalty	11/07/91
Beaver Hills Country Club, Cedar Falls (1)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	11/08/91

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Stokely USA, Inc., Ackley (4)	Wastewater	Prohibited Discharge	Referred to AG	11/18/91
Bode, City of (2)	Drinking Water	Construction Without	Order/Penalty	11/20/91
Buffalo Bill Estates, Inc. MHP, Davenport (6)	Drinking Water	Monitoring/Reporting- Other Inorganics, Organics	Order/Penalty	11/20/91
Krause Feedlot, Hardin County (2)	Wastewater	Prohibited Discharge	Order/Penalty	11/20/91
Homesteady Colony Mobile Home Park, Ames (5)	Drinking Water	Monitoring/Reporting- Bacteria, Organics, Radioactivity	Order/Penalty	11/20/91
Town and Country Mobile Home Park, Fredericksburg (1)	Drinking Water	Monitoring/Reporting- Organics; Public Notice	Order/Penalty	11/20/91
Cumberland Ridge First Addition, Solon (6)	Drinking Water	Monitoring/Reporting- Organics; Public Notice	Order/Penalty	11/20/91
Thunder Hills Home and Utilities Assn., Peosta (1)	Drinking Water	Monitoring/Reporting- Other Inorganics; Public Notice	Order/Penalty	11/20/91
Todd D. Behounek and Paul Behounek, Tama Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	11/20/91
George Kall, Scott Co. (6)	Solid Waste	Illegal Disposal	Order/Penalty	11/20/91
Iowa 4-H Camping Center, Madrid (5)	Drinking Water	MCL - Bacteria	Order/Penalty	11/20/91
Rutland Water Supply	Drinking Water	MCL - Bacteria; Monitoring/Reporting- Inorganics	Order/Penalty	11/20/91
Hawarden Water Supply (3)	Drinking Water	MCL - Bacteria; Monitoring/Reporting- Inorganics	Order/Penalty	11/20/91
Darrell's Place, Hamlin (4)	Drinking Water	MCL - Bacteria; Public Notice	Order/Penalty	11/20/91
Spook Cave, Inc., McGregor (1)	Drinking Water	Monitoring/Reporting- Nitrate; Public Notice	Order/Penalty	11/22/91
Scenic Valley Motel, Lansing (1)	Drinking Water	MCL - Bacteria	Order	11-22-91
Rowley Elementary School, Independence (1)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	11-22-91
Hartwick Point Well, Delhi (1)	Drinking Water	MCL - Bacteria; Public Notice	Order	11-22-91
Hedrick, City of (6)	Wastewater	Monitoring/Reporting; Compliance Schedule	Amended Order	11-26-91
Lidderdale, City of (4)	Drinking Water	Monitoring/Reporting- Inorganics; Certified Operator; Public Notice	Order/Penalty	11-26-91
Algona, City of (2)	Wastewater	Discharge Limits	Order	11-26-91
Charles City, City of (2)	Wastewater	Discharge Limits	Order	11-26-91

# Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Merle Adams (Hardin Co.)	SW	1,000	7-01-91
Vern Starling (Boone Co.)	SW	800	9-15-91
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	200	9-15-91
Fremont Golf Course (Sidney)	WS	660	10-20-91
Sleepy Hollow Campground (Oxford)	WW	1,000	10-24-91
Waverly Gravel & Ready-Mix Co. (Butler Co.)	AQ	1,000	10-27-91
Capitol Oil Co. d/b/a Dakota MHP (Iowa City)	WW	1,000	11-03-91
Lloyd Dunton (Iowa County)	SW	300	11-07-91
Joe W. Ringsdorf (Kossuth County)	AQ	1,000	11-07-91
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	440	11-19-91
Rottler Farms, Inc.; Pooley & Rottler Farms, Inc. (Butler County)	WW	1,000	11-23-91
Frito-Lay, Inc. (Council Bluffs)	AQ	1,000	12-11-91
Carroll Bowl (Carroll)	WS	200	12-15-91
Flyway Cafe (Green Island)	WS	435	12-19-91
Fertile Municipal Water Supply	WS	200	12-23-91
Central Baptist Church (Council Bluffs)	WS	200	12-24-91
John Hosch (Jones County)	WW	1,000	12-24-91
Bankston, City of	WS	200	12-25-91
Farmers Coop Feed Co. (Florenceville)	UT	300	12-28-91
Cushing, City of	WS	200	12-29-91
Custom Hardware Manufacturing, Inc. (Keokuk)	AQ	1,000	12-30-91
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	500	1-01-92
Landfill of Des Moines, Inc. (Des Moines)	SW	1,000	1-06-92
Stacyville, City of	WW	200	1-06-92
Don Zimmerman d/b/a Panama Oil Co. (Panama)	UT	500	1-06-92
Martin Subdivision (Iowa City)	WS	200	1-07-92
Tom/Ruth Samuelson d/b/a Quality Car Wash (Osceola)	UT	500	1-07-92
Northern Trails Area Preschool (Clear Lake)	WS	200	1-07-92
Grandview Corners (Grandview)	WS	200	1-07-92
Spring Grove Mobile Home Park (Burlington)	WS	200	1-07-92
Dallas County Christian School (Minburn)	WS	200	1-07-92
Tower Club (Cresco)	WS	400	1-07-92
Independent Oil Company (Mt. Pleasant)	UT	1,000	1-08-92
Paper Recovery Corporation (Sioux City)	UT	500	1-08-92
Pleasant Creek Estates Assoc. (Shellsburg)	WS	200	1-08-92
Winthrop Water Supply	WS	200	1-08-92
The Calmar Manufacturing Co., Inc. (Calmar)	AQ	1,000	1-08-92
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Des Moines Co. Bd. of Supv./Sylvester Klassen	AQ	700	1-12-92
Robert Dean (Parkersburg)	SW	500	1-12-92
Dilts Trucking, Inc. (Crescent)	UT	500	1-12-92
Sylvan Acres (Janesville)	WS	200	1-13-92
North Twin View Heights (Solon)	WS	200	1-13-92
Beaver Hills Country Club (Cedar Falls)	WS	300	1-13-92
Koehring Cranes & Excavators, Inc. (Waverly)	AQ	1,000	1-13-92
Anamosa, City of	WS	200	1-14-92
Mt. Joy Mobile Home Park (Davenport)	WS	200	1-15-92
Reggie's Auto Body & Repair (Postville)	AQ	1,000	1-17-92
Rutland Water Supply	WS	500	1-22-92
Todd D. Behounek and Paul Behounek (Tama County)	SW	700	1-22-92
Bode, City of	WS	600	1-22-92
Krause Feedlot (Hardin County)	WW	500	1-23-92
Town and Country MHP (Fredericksburg)	WS	200	1-23-92
George Kall (Scott County)	SW	500	1-23-91
Homestead Colony MHP (Ames)	WS	320	1-25-92
Don Stickle and Sons Farms (Linn County)	WW	750	8-30-92
Washburn Water Company, Inc. (Waterloo)	WS	200	-----
Hilltop Village MHP (Cherokee)	WS	200	-----
Cumberland Ridge First Addition (Solon)	WS	200	-----
Thunder Hills Home and Utility Assn. (Peosta)	WS	200	-----
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	500	-----
Iowa 4-H Camping Center (Madrid)	WS	330	-----
Darrell's Place (Hamlin)	WS	400	-----
Hawarden Water Supply	WS	400	-----
Alton, City of	WS	200	-----
Rowley Elementary School (Independence)	WS	100	-----
Spook Cave, Inc. (McGregor)	WS	200	-----
Lidderdale, City of	WS	1,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	315	2-24-91
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	950	4-11-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	8-04-91
M & W Mobile Home Park (Muscatine)	WW	700	8-21-91

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Clarke County Sanitary Landfill (Osceola)	SW	1,000
Kenneth Bode (Mills Co.)	SW	1,000
Mason City Iron and Metal Co. (Mason City)	AQ	1,000
Ringgold County Hospital (Mt. Ayr)	AQ	1,000
American Recycling, Inc. (Council Bluffs)	AQ	1,000
Waterloo, City of	WW	1,000
Wally's Paint Shop (Strawberry Point)	AQ	500
Andrews Prestressed Concrete (Cerro Gordo Co.)	SW	1,000
The River Products Co. (Iowa City)	AQ	1,000
Westside Park for Mobile Homes (Lee Co.)	WW	500
Monona Co. SLF/Ronald L. Hanson (Monona Co.)	SW	1,000
Royal Oaks Court (Spirit Lake)	WS	675
Highland Golf Club, Inc. (Iowa Falls)	UT	500
Briggs Woods Park/Hamilton Co. Conservation	WS	200
Casey's General Store (Redfield)	UT	1,000

\*On Payment Schedule

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Craig Natvig (Cerro Gordo Co.)	SW	750
Star Mobile Home Park (Charles City)	WS	200
Broadview Trailer Court (Dubuque)	WS	50
John W. Yotter (Louisa County)	SW	300
Amana Colonies Golf Course (Middle Amana)	WW	1,000
Young Radiator Co. (Centerville)	WW	1,000
Fred Varner (Worth County)	SW	50
*Polletts Tavern (Camanche) (Paid in Full)	WS	403
Sunshine Homes, Inc. (Atlantic)	WS	50
Modernfold, Inc. (Dyersville)	AQ	800
Archer Daniels Midland Corp. (Clinton)	WS	200
TOTAL		\$4,803

The \$200 penalty assessed Coats Subdivision (Ft. Dodge) was rescinded 11-4-91.

The \$1,000 penalty assessed Rex Shaha (Ringgold Co.) was rescinded 11-4-91.

The \$400 penalty assessed William J. and Debra Lynch (Ringgold Co.) was rescinded 11-4-91.

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)	Updated	Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing Proposed Decree Trial Date	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90 11/20/91 4/30/92
American Meat Protein Corp. Lytton (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/21/91
American Pelletizing Corp. Knoxville (5)		Air Quality	Emission Standards	Order	Referred	2/18/91
Ames Golf & Country Club Ames (5)		Wastewater	Operational Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Amoco Oil Company Ames (5)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Closed Administratively	10/15/90 11/27/91
Amoco Oil Company Des Moines (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Referred Suit Filed	8/21/90 10/15/90 9/27/91
Amoco Oil Company Ft. Madison (6)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Closed Administratively	8/21/90 11/27/91
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)		Wastewater Air Quality	Prohibited Discharge Emission Standards	Referred to Attorney General	Referred Amended Petition Filed Referred Petition Filed	3/18/91 10/28/91 5/20/91 10/04/91
ASPRO, Inc. Waterloo (1)	Updated	Air Quality	Emission Standards	Referred to Attorney General	Referred Consent Decree (\$5,000)	3/18/91 11/05/91



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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Baker, Mike d/b/a M & D's Chalet Elgin (1)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing Date	4/15/91 11/25/91 12/16/91
Barn, The Sherrill (1)	Updated	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	Referred Penalty Paid (\$100)	8/19/91 8/22/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Braun, Jim Franklin County (2)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/21/91 11/26/91
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/15/91
Buffalo Bill Estates, Inc. Camanche (6)		Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	Referred	6/17/91
Build-A-Rama Kossuth County (2)	Updated	Water Rights	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Trial Date	7/27/90 10/29/90 10/10/91 4/07/92
Cain, Edward and Margaret Clinton County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred Petition Filed	3/18/91 8/19/91
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed Trial Date	9/18/90 12/31/90 12/18/91
Chalfant, Milo, et.al. Webster City (2)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed Trial Date	9/20/89 8/08/90 Continued
Chicago & Northwestern Transportation Co.	Updated	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion Granted Order/Change Venue to Hardin Co.	8/19/91 8/26/91 9/23/91 11/21/91
Blue Chip Enterprises				Order	Petition for Judicial Review Answer/Motion to Dismiss Parties	8/14/91 9/16/91
Hawkeye Land Company Iowa Falls (2)	Updated			Order	Petition for Judicial Review Order/Change Venue to Hardin Co.	9/16/91 11/21/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred	4/15/91
				Order	Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss Notice of Appeal	4/18/91 5/08/91 7/23/91 8/13/91

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Country Estates MH Court Council Bluffs (4)		Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	6/17/91
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)	Updated	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Trial Date	4/16/90 5/13/91 9/29/92
Osceola, City of (5)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed Trial Date	4/16/90 11/30/90 5/13/91 9/29/92
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgement	8/21/90 11/30/90 6/10/91
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)	Updated	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred Petition Filed Trial Date	6/19/90 3/13/91 3/25/92
Drips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed Motion to Dismiss Order Denying Motion to Dismiss Answer Filed Trial Date	8/06/90 6/14/91 9/30/91 10/11/91 2/17/92
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Contempt Hearing	9/16/91 9/18/91 12/06/91
First Iowa State Bank Albia (2)		Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Oral Argument	4/12/91 11/04/91
Folletts Tap Camanche (6)	Updated	Drinking Water	Operation Without Permit; MCL - Bacteria; Monitoring/Reporting - Bacteria & Nitrate	Order/Penalty	Referred Penalty Paid (\$403)	8/19/91 11/22/91
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed	2/18/91 8/06/91
Giametta, Dominic d/b/a Fred's 66, Davenport (6)	Updated	Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed Trial Date Consent Decree	12/11/89 7/02/90 11/05/91 11/08/91
Great Dane Fertilizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Honey Creek Camping Resort Crescent (4)		Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	8/19/91
Kleindolph, Richard Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid (\$300)	10/24/89 4/06/90 8/13/90 9/13/90

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Standards Treatment Agreement	Order	Referred	2/18/91
McGinnis, Mike; Alfred Patten; and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	10/24/89 11/15/89 5/06/92
McGregor, John W. and Doris v. DNR (4)	Updated	Wastewater	DNR Defendant	401 Certification	Petition for Judicial Review Answer Filed	5/30/91 6/25/91
Bob McKiniss Excavating & Grading v. IDNR		Hazardous	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Trial Date	3/12/91 5/01/91 4/14/92
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Attorney General	Referred Trial Info. Filed (Polk Co.)	12/11/89 7/19/91
Murphy Trust Keokuk (6)	Updated	Site Registry	- - - - -	Notice of Intent	Petition for Judicial Review Motion to Dismiss Dismissed	8/26/91 9/16/91 11/15/91
M & W Mobile Home Park Muscatine (6)		Wastewater	Monitoring/Reporting; Discharge Limits; Operational Violations	Order/Penalty	Referred	9/16/91
New Virginia Sanitary District (5)		Wastewater	Monitoring/Reporting	Referred to Attorney General	Referred	9/16/91
Oehler, Jay d/b/a Oehler Bros. Oil Moravia (5)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Closed Administratively	5/20/91 11/27/91
Orchard, City of (2)		Drinking Water	Monitoring/Reporting MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Pete's Sunoco/ Popejoy Septic West Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pony Creek Homeowners Assoc. #1 Pacific Junction (4)	Updated	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred Penalty Paid (\$357.52)	3/18/91 11/25/91
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	10/15/90 5/23/91
Pruess v. IDNR	Updated	Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court Affirmed	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90 11/20/91
R. V. Hopkins, Inc. Davenport (6)	Updated	Air Quality	Emission Standards	Referred to Attorney General	Referred Closed Administratively	6/17/91 11/27/91
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	7/16/90 8/20/91
Schaap, Darlo Sioux Center (3)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	2/20/90 6/21/90 12/31/91
Schildberg Construction Co. Atlantic (4)	Updated	Flood Plain	Unauthorized Levee	Referred to Attorney General	Referred Petition Filed	8/19/91 11/25/91
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Shelley, Robert and Sally Guthrie Center (4)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	4/15/91 7/18/91 5/19/92
Simmons, Art d/b/a Art's Garage Bussey (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Siouxland Quality Meat Co., Inc. Sioux City (3)	Updated	Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$5,000)	2/20/90 7/02/90 10/30/91
Soo Line Railroad Co. Mason City (2)		Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91
Stokely USA, Inc. Ackley (4)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/18/91
Sun Wise Systems Corp. Sac City (3)	Updated	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/15/90 11/27/91
Swea City Oil Co./Irene Fagerlund, Swea City (2)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Closed Administratively	8/21/90 11/27/91
Thomas, Fred R. d/b/a Clair-View Acres, Delhi (1)		Drinking Water	Monitoring/Reporting	Order/Penalty	Referred	9/16/91
Touchdown Co., et. al., Webster City (2)	Updated	Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred Petition Filed Trial Date	6/21/89 2/14/91 5/12/92
Vanner, Fred Worth County (2)		Solid Waste	Waste Oil Reporting	Order/Penalty	Referred	5/20/91

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukeg, City of	Administrative Order	WS	Hansen	Amended order issued.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Additional sampling results received.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	To District Court 4/12/91 for judicial review.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed. Counter offer made.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	One of two sites deemed closed.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	District Court dismisses other issues; Foland appeals to Supreme Court.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Motion to dismiss appeal filed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Motion to dismiss appeal filed.

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10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Beier/Mansheim/Moyer	Site Registry	HW	Landa	Property transferred.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Petition for judicial review of agency action.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Testing done August 28, 1991.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing set for 12/12/91.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Settlement pending.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Settlement negotiations initiated.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing continued. Compliance initiated.

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5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Murphy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting held 6-21-91.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued to 1/23/92.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Hearing continued.
7-23-90	IBP, inc. Perry	Administrative Order NPDES Permit	WW	Hansen	Response from IBP 10/14/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settlement pending.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Judicial review requested (Murphy Trust); dismissed 11/15/91.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Settlement proposed.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Proposed decision 9/9/91. Appealed.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Briefing sched. established/arguments to EPC 1/92.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads; Manatt's, Inc.	Administrative Order	HC	Landa	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing continued indefinitely.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Settlement close.

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10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Pending Corp decision on permit issuance.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing continued to 2/18/92.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Settlement proposed.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing continued.
1-11-91	Fansteel/Wellman Dynamics	Site Registry	HC	Landa	Motion to dismiss filed. Settled.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Landa	Hearings begun.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
4-29-91	R.V. Hopkins, Inc.	Const. Permit Denial	AQ	Landa	Settlement proposed.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Clarke Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
5-20-91	Dad's Fuel Stop	Administrative Order	UT	Wornson	Settlement close.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Landa	Hearing set for 12/10/91.
5-20-91	Mason City Municipal Airport/ Dwyer Aircraft Sales, Inc.	Administrative Order	UT	Wornson	Compliance initiated with schedule.
5-21-91	The Market of Clear Lake, Inc.	Administrative Order	UT	Wornson	Compliance initiated.
5-31-91	Kenneth Bode	Administrative Order	SW	Kennedy	Sent to DIA.

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5-31-91	Cargill, Inc.	Certificate to Construct	AQ	Landa	Written direct testimony filed.
7-05-91	Mason City Iron & Metal Co.	Administrative Order	AQ	Landa	Sent to DIA.
7-08-91	Ringgold County Hospital	Administrative Order	AQ	Landa	Negotiating before filing.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Landa	Hearing set for 1/16/92.
7-15-91	Andrews Prestressed Concrete	Administrative Order	SW	Kennedy	Negotiating before filing.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Compliance initiated.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Murphy	Negotiating before filing.
7-24-91	Clow Valve Co.	Const. Permit Denial	AQ	Landa	Negotiating before filing.
7-26-91	American Recycling, Inc.	Administrative Order	AQ	Landa	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Landa	Hearing continued. Compliance initiated.
8-05-91	Rathbun Area Solid Waste Comm.	Permit Conditions	SW	Kennedy	Negotiating before filing.
8-14-91	Williamsburg, City of	Administrative Order	WW	Hansen	Negotiating before filing.
8-23-91	Wally's Paint Shop	Administrative Order	AQ	Landa	Hearing continued. Settlement proposed.
8-23-91	Waterloo, City of	Administrative Order	WW	Hansen	Hearing continued.
8-29-91	Iowa Southern Utilities	Certificate to Construct	AQ	Landa	Written testimony filed.
9-03-91	Chalstrom Beach	Administrative Order	WS	Hansen	Hearing set for 1/7/92.
9-04-91	Duane Arnold Energy Center	Permit Condition	WW	Hansen	Negotiating before filing.
9-09-91	Modernfold	Administrative Order	AQ	Landa	Settled.
9-09-91	The Rivers Products Company	Administrative Order	AQ	Landa	Negotiating before filing.
9-13-91	GBE, Limited	Administrative Order	AQ/SW	Landa	Negotiating before filing.
9-16-91	Mononoe Co. SLF Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
9-17-91	Westside Park for Mobile Homes	Administrative Order	WW	Hansen	Negotiating before filing.
9-23-91	Todd & Sargent, Inc.	Permit Denial	AQ	Landa	Settled.



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# Environmental Protection Commission Minutes

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CONTESTED CASES  
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-25-91	Archer Daniels Midland	Administrative Order	SW	Landa	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	Negotiating before filing.
10-02-91	IBP, inc. - Storm Lake	Permit Conditions	WW	Hansen	Negotiating before filing.
10-22-91	Royal Oaks Court	Administrative Order	WS	Hansen	Settled.
10-23-91	Parker Hannifin Corp.	Permit Conditions	WW	Hansen	Negotiating before filing.
10-23-91	Young Radiator Co.	Administrative Order	WW	Hansen	New case.
10-25-91	Rex Shaha	Administrative Order	FP	Clark	Order rescinded. Settled.
10-28-91	William & Debra Lynch	Administrative Order	FP	Clark	Order rescinded. Settled.
10-30-91	West Liberty, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
11-07-91	Casey's General Store (Redfield)	Administrative Order	UT	Wornson	New case.
11-15-91	Highland Golf Club, Inc.	Administrative Order	UT	Wornson	New case.
11-20-91	Hamilton County Conservation Board	Administrative Order	WS	Clark	New case.

Mr. Stokes informed the Commission that the Corps of Engineers Nationwide Permits rule will be before the Commission next month. He emphasized that action will need to be taken that day because it is the same day as the cutoff date for responding to the Corps of Engineers on this issue.

Mr. Stokes distributed the following estimated costs for removal of USTs and noted that the figures were provided by the Under-ground Storage Tank Financial Assistance Board.

COSTS FOR REMOVAL OF UNDERGROUND STORAGE TANKS

Five closure contractors were contacted and asked to provide estimated costs for removal of regulated underground storage tanks. Their cost estimates did not include disposal of the old tank.

The removal costs listed below include excavation, inerting the tank, tank removal, soil and groundwater sampling, laboratory analysis, backfilling excavation, and site restoration. It is difficult to determine actual costs. Factors that can influence costs are varying site conditions, travel distance, presence of contamination, and others.

REMOVAL COSTS	
TANK SIZE	PRICE RANGE
1,000 gallon	\$1,000 - 2,000
10,000 gallon	\$2,500 - 9,000
2 tanks removed - same excavation	\$2,000 - 10,000

LUST CLEANUP COSTS

The table on the following page gives estimated cleanup costs before and after rule changes required by 1991 Iowa Acts, Senate File 362. Since most long term site cleanups are just beginning, the average cleanup costs are expected to rise. The Iowa Comprehensive Petroleum UST Fund has estimated that actual costs can vary from \$20,000 to over a million dollars.

Under the new rule changes, sites can be classified as high or low risk. High risks site must be cleaned up while low risk sites will be monitored for up to twelve years for contamination movement. The Iowa UST fund has estimated that 25% of the sites could be classified as low risk. The actual cost for monitoring at low risk sites is unknown. There are many site specific factors that will influence final monitoring costs such as whether monitoring must be done for movement in soil, groundwater, soil vapor, or all three.

The difference in estimated costs for site cleanup in the table is the expected increase for completing the new site cleanup report required by Senate File 362. Because of the added work involved, the site cleanup report is expected to increase costs by \$5,000 to \$6,000.

LUST Cleanup Cost Estimates			
	Number of Sites	Average Cost	Total Cost
Before Senate file 362			
*Cleanup	3,800	\$ 90,000	\$ 342 million
After Senate file 362			
*Cleanup	2,850	\$ 96,000	\$ 273.6 million
*Monitor	950	\$ 38,000	\$ 36.1 million
Total	3,800		\$ 309.1 million
Cleanup Cost Reduction			
\$ 342 million minus \$ 309.1 million			\$ 32.3 million

\* includes \$20,000 for a site cleanup report

This was an informational item; no action was required.

#### REFERRALS TO ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Amoco Pipeline Co. (Dubuque) - hazardous condition (tabled)
- b. Virgil Littschwager (Buckeye) - UST (tabled)
- c. Landfill of Des Moines, Inc. - solid waste

- d. Al's Corner Oil Co. (Carroll) - hazardous condition
- e. Buffalo Bill Estates (Camanche) - drinking water
- f. Adams, Merle (Hardin County) - penalty collection
- g. Carl Burkhardt (Perry) - penalty collection
- h. Lloyd Dunton (Iowa County) - penalty collection

#### Amoco Pipeline Company

Mr. Murphy requested that this case remain on the table for another month as staff will soon be meeting with the company to work out a resolution.

*Motion was made by Nancy Lee Siebenmann to continue to table the Amoco Pipeline referral for another month. Seconded by Rozanne King. Motion carried unanimously.*

#### Virgil Littschwager

Mr. Murphy stated that this case was tabled last month based on Mr. Littschwager's indication that he had taken the required soil samples in regards to a tank closure. Mr. Murphy reported that samples have been taken, therefore, referral is no longer necessary and he asked that it be withdrawn.

*Motion was made by William Ehm to remove this item from the table. Seconded by Clark Yeager. Motion carried unanimously.*

*Motion was made by William Ehm to withdraw the Virgil Littschwager referral. Seconded by Rozanne King. Motion carried unanimously.*

#### Landfill of Des Moines, Inc.

Mr. Murphy briefed the Commission on the history of this case. He noted that a request was received from their attorney asking for an appointment tomorrow. Staff would recommend going ahead with the referral as they were notified of the meeting some time ago, staff has been in contact with other company representatives, and they did not request to be on the agenda or make any request regarding referral.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

#### Al's Corner Oil Company

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

#### Buffalo Bill Estates

Mr. Murphy stated that a different Order involving a penalty was referred for this same facility several months ago. Since then another Order was issued in regards to bacterial contamination problems, and they were directed to install continuous disinfection and to pay a penalty. It has been verified that unsatisfactory bacterial samples are continuing and staff is asking referral.

*Motion was made by NancyLee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King.*

NancyLee Siebenmann asked why this facility is not shut down.

Mr. Murphy stated that it is a decision that could be considered but it is a community system. He added that an Administrative Directive is being issued today telling them to boil water or provide an alternative source.

NancyLee Siebenmann asked how the department can assure immediate compliance.

Mr. Murphy stated that if referred the Attorney General could seek a temporary injunction to bring them into compliance or possibly shut down the facility.

Chairperson Hartsuck commented that this case is a fine example of what the water viability legislative proposal is all about. He noted that the state is spending money to bring the facility into compliance and in the meantime the residents are exposed to contaminated water.

*NancyLee Siebenmann requested that her motion include a recommendation that the Attorney General impose a temporary injunction. Rozanne King concurred with the recommendation. Motion carried unanimously.*

#### Merle Adams

Mr. Murphy stated that this party has paid the penalty therefore staff is asking that the referral be withdrawn.

*Motion was made by William Ehm to withdraw the Merle Adams referral. Seconded by Rozanne King. Motion carried unanimously.*

Carl Burkhardt

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

Lloyd Dunton

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Gary Priebe for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.*

GENERAL DISCUSSION(1) LEGISLATIVE RECEPTION

Director Wilson asked what the Commission would like to do in regards to the legislative reception normally held by the Commission in January.

The consensus of the Commission was that the Legislative Breakfast last year seemed to be a big success and they would like to do the same this year.

It was decided that the Legislative Breakfast will be held on Wednesday, January 22, 1992, from 7:30 - 9:00 a.m.

(2) FUNDS

Clark Yeager expressed concern about money generated from environmental programs going into the general fund.

Mr. Stokes stated that the Governor's Committee on Spending Reform is recommending that the well closure and testing program funds and the landfill closure fees go into the general fund.

(3) NATIONWIDE PERMITS

Chairperson Hartsuck asked if the Commission previously discussed what their position would be regarding Nationwide Permits.

Mr. Stokes responded that the rules were presented to the Commission in June and the Commission approved taking them out to public hearing. Staff will provide a detailed discussion next month of what Nationwide Permits are and what 401 Certification

means. He added that staff recommendation leans in the direction of retaining the ability to individually review those permits rather than grant blanket waiver.

Director Wilson advised the Commission that between now and January they are likely to receive contacts about not retaining authority over 401 and other elements of the Nationwide Permit waiver. He emphasized that the department will argue very strongly for the need to review those cases one-by-one and not cede any state authority to a blanket type of approval, and he urged the Commission to support staff on this issue.

#### (4) RULES

Discussion also took place regarding rules for regionalization and siting of landfills and that local decisions in those matters can be appealed to the Commission.

#### ADDRESS ITEMS FOR NEXT MEETING

Legislative breakfast

#### NEXT MEETING DATES

January 21-22, 1992 (Tues. & Wed.)  
February 17, 1992  
March 16, 1992

#### ADJOURNMENT

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*Motion was made by Rozanne King to adjourn the meeting.  
Seconded by Clark Yeager. Motion carried unanimously.*

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 12:10 p.m., Monday, December 16, 1991.

  
Larry J. Wilson, Director

  
Richard Hartsuck, Chairperson

  
Nancy Lee A. Siebenmann, Secretary



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